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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,091	05/30/2001	James E. Doyle	SUS01 P314	8506

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PRICE HENEVELD COOPER DEWITT & LITTON  
695 KENMOOR, S.E.  
P O BOX 2567  
GRAND RAPIDS, MI 49501

EXAMINER

MARSH, STEVEN M

ART UNIT PAPER NUMBER

3632

DATE MAILED: 07/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/870,091

Applicant(s)

DOYLE ET AL.

Examiner

Steven M Marsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☒ Claim(s) 8, 10 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This is the first office action for U.S. Application 09/870,019 for a Motor Mount filed by James E. Doyle et al. on May 30, 2001.

#### ***Specification***

The disclosure is objected to because of the following informalities: Page 1, line 14 reads, "Such actuators includes a reversible motor". The word "includes" should be deleted and replaced with the word - - include - -. Page 4, line 25 reads, "acoustically isolate motor plate 38 form base". The word "form" should be deleted and replaced with the word - - from - -. Appropriate correction is required.

#### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 10, 15, 21, and 22. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "50, 52, and 54", "60, 62, and 64", and "70, 72, and 74" have both been used to designate pins. Reference characters "60, 62, and 64" are the grommets and reference characters "70, 72, and 74". Reference characters "20" and "22" have both been used to designate the base. A proposed drawing correction or

corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "16" has been used to designate both an outer leg and a thrust nut. Reference character "37" has been used to designate both an aperture and a lower surface. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-18 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. On Page 3, lines 10-12, Applicant describes features for connecting the base 20 to a table. However these features are not shown in the drawings and it is not clear what Applicant is referring to because the only apertures shown in the drawings are for securing the pins 50, 52, 54 of the motor plate. Page 3, lines 5-7 describe an interface cap on the inner leg for receipt by the outer leg, however

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this is not shown in the drawing and it is not clear what the relation is between the two legs and the cap or how they function together.

### ***Claim Objections***

Claims 8, 10, and 17 are objected to because of the following informalities: The first line of claim 8 reads, "wherein said pins are tapered at and angle". The word "and" should be deleted and replaced with the word - - an - -. The 8<sup>th</sup> line of claim 10 reads, "including an aperture for receiving s" The letter "s" should be deleted and replaced with the word - - said - -. The first line of claim 17 reads, "wherein said pins are tapered at and angle". The word "and" should be deleted and replaced with the word - - an - -. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art disclosed by Applicant in view of U.S. Patent 4,602,176 to Baker. The prior art disclosed by Applicant (Page 1, lines 11-21) discloses a motor assembly with a drive shaft extending therefrom for coupling to a drive screw (page 1, line 14-16). The drive screw extends into a telescopic leg assembly and couples to a drive nut for extending or

retracting one leg with respect to another. There is a base on top of the inner leg and the motor housing is attached to the base by at least one threaded fastener.

The prior art disclosed by Applicant does not specifically disclose a pin extending from a motor mounting plate as the fastener for fastening the motor assembly to the base and it does not disclose a rubber grommet inside of an aperture in the base for receiving the pin. Baker discloses a means and method for reducing vibration and noise between an electric motor (1) and its application. The motor has an endshield (15) with four tapered (appears to be about 10 degrees) studs (25) extending therefrom parallel to a drive shaft (13), for securing the motor to the application. The application has a frame plate (23) that has four apertures (17) with four rubber grommets (29) for receiving the studs that extend from the motor and isolating vibration between the motor assembly and the application. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have utilized rubber grommets in the apertures of the base taught by the prior art, as taught by Baker, for the purpose of receiving the studs or fasteners of a motor assembly and isolating vibration between the motor and the application.

The prior art disclosed by Applicant in view of Baker does not specifically disclose pins as the fastener for coupling the motor and the base, but the utilization of a pin rather than a stud is a matter of engineering preference and would have been obvious to one of ordinary skill in the art at the time of the present invention.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent 5,900,685 to Evans et al.

U.S. Patent 6,256,288 B1 to Yamauchi et al.

U.S. Patent 6,045,112 to Kirkwood

U.S. Patent 3,941,339 to McCarty

U.S. Patent 4,520,987 to Eguchi et al.

U.S. Patent 3,386,697 to Helms

U.S. Patent 4,750,701 to Folsom et al.

U.S. Patent 6,021,993 to Kirkwood

The above patents all disclose various types of motor arrangements and telescopic stands.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone


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number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3597.

  
Steven Marsh

July 25, 2002

  
ANITA KING  
PRIMARY EXAMINER